

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BREANA HICKS,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT,
INC.,

Defendant.

Case No. 1:22-cv-00676-JLT-EPG

ORDER REQUIRING PLAINTIFF TO SHOW
CAUSE AS TO WHY SANCTIONS SHOULD
NOT ISSUE AND THIS CASE SHOULD NOT
BE DISMISSED FOR FAILURE TO
PROSECUTE

TWENTY-ONE (21) DAY DEADLINE

On June 6, 2022, the Court issued an order setting the mandatory scheduling conference for September 22, 2022, at 10:30 a.m. before United States Magistrate Judge Erica P. Grosjean. (ECF No. 3). The Court's order states that the parties are to prepare and submit a Joint Scheduling Report one week prior to the conference. (Id.) Additionally, any party who fails to participate in the report "may be subject to sanctions, including monetary sanctions to compensate the non-offending party's time and effort incurred in seeking compliance with [the] Scheduling Order." Further, "[s]hould counsel or a party appearing *pro se* fail to appear at the Mandatory Scheduling Conference, or fail to comply with the directions as set forth above, an ex parte hearing may be held and contempt sanctions, including monetary sanctions, dismissal, default, or other appropriate judgment, may be imposed and/or ordered." (Id.)

The Court attempted to hold the conference on the date and time ordered. (ECF No. 8). John Kelly telephonically appeared for Defendant. (Id.) Despite having notice of and an

1 opportunity to attend, Plaintiff did not appear at the hearing. (Id.) Additionally, Plaintiff did not
2 participate in the scheduling report. (ECF No. 7). Further, based on the scheduling report filed by
3 Defendant, Plaintiff had represented that she planned to settle or otherwise arbitrate the case. (Id.)
4 Accordingly, it appears that Plaintiff does not intend to prosecute this case at this time.

5 Therefore, the Court will order Plaintiff to show cause why this case should not be
6 dismissed for failure to prosecute, and why sanctions should not issue for failure to comply with
7 the Court's Scheduling order. Plaintiff's response should state whether she intends to go forward
8 with this case.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Within **twenty-one (21) days** of service of this order, Plaintiff shall show cause in
11 writing why this case should not be dismissed for failure to prosecute, and why
12 sanctions should not issue for failure to comply with the Court's Scheduling order; and
- 13 2. The Clerk of Court is directed to serve a copy of this order at Plaintiff's address of
14 record:

15 Wajda Law Group
16 6167 Bristol Parkway, Suite 200
17 Culver City, CA 90230

18 **Plaintiff's failure to respond to this order will result in a recommendation that this**
19 **case be dismissed.**

20 IT IS SO ORDERED.

21 Dated: **September 30, 2022**

22 /s/ Eric P. Grogan
23 UNITED STATES MAGISTRATE JUDGE
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